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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 THOMAS JOHN SMITHSON,

11 Petitioner,

2:01-cv-1373-GEB-DAD-P

12 vs.

13 DERRAL ADAMS, Warden, et al.,

14 Respondents.

ORDER

15 _____/
16 Petitioner, a state prisoner proceeding by counsel, has filed an application for a
17 writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States
18 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

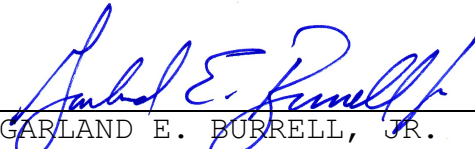
19 On January 31, 2007, the magistrate judge filed findings and recommendations
20 herein which were served on all parties and which contained notice to all parties that any
21 objections to the findings and recommendations were to be filed within ten days. No objections
22 to the findings and recommendations have been filed.

23 The court has reviewed the file and finds the findings and recommendations to be
24 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
25 ORDERED that:

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- 1 1. The findings and recommendations filed January 31, 2007, are adopted in full;
- 2 2. Respondents' March 20, 2006 motion to dismiss (#90) is granted; and
- 3 3. The claims alleged as Grounds 1, 2, and 3 in petitioner's amended petition are
- 4 dismissed and this action shall proceed on the claims alleged as Grounds 4, 5, 6, and 7.

5 Dated: March 6, 2007

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8 GARLAND E. BURRELL, JR.
9 United States District Judge
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